



U.S. DEPARTMENT of STATE

Pakistan

Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

Pakistan is a federal republic. Chief of Army Staff Pervez Musharraf overthrew the elected civilian government in 1999. The Supreme Court later legitimized the overthrow, but ordered Musharraf to restore elected government within 3 years. Musharraf assumed the Presidency by decree in 2001. In 2002, a controversial national referendum affirmed Musharraf as President for 5 years. Elections for the National Assembly were held in 2002. Domestic and international observers termed the elections deeply flawed. Musharraf's Pakistan Muslim League (PML) won a plurality of seats and formed a governing coalition with several smaller parties. Indirect Senate elections in February 2003 gave the governing coalition 55 of 100 seats. In December 2003, the National and Provincial Assemblies passed the 17th Amendment to the Constitution. The Amendment transfers a number of powers from the Office of Prime Minister to the President, affirms Musharraf's presidency through 2007, sets the terms under which the President could dissolve the National Assembly, and exempts Musharraf from a prohibition on holding two offices of state until the end of the year, allowing him to remain as Chief of Army Staff. In October, over opposition protests, Parliament passed another bill that exploits a loophole in the Constitution to extend the exemption until 2007. The judiciary was nominally independent but remained subject to corruption and political pressure.

Police have primary internal security responsibilities, although paramilitary forces, such as the Rangers and the Frontier Constabulary, provide support in areas where law and order problems are acute. Provincial governments control police and the paramilitary forces when they assist in law and order operations. During some religious holidays, the regular army was deployed in sensitive areas to help maintain public order. The civilian authorities maintained control of the security forces; however, there were instances when local police acted independently of government authority. Some members of the security forces committed numerous serious human rights abuses.

The economy was primarily market-based. The agricultural sector continued to employ much of the population, although a growing manufacturing sector, primarily in textiles, accounted for much of the country's economic growth and export earnings. For the year, the population was estimated at approximately 154 million, and gross domestic product growth was estimated at 6.4 percent. No reliable data exists comparing wages and benefits with inflation; however, there was evidence to suggest growing income inequality.

The Government's human rights record remained poor; although there were some improvements in several areas, serious problems remained. In 2002, citizens participated in national government elections, although many observers found serious flaws in their legal framework. Local police used excessive force and committed or failed to prevent extrajudicial killings. Sectarian killings continued to be a problem. Police abused and raped citizens. Prison conditions remained extremely poor, and police arbitrarily arrested and detained citizens. Some political leaders remained imprisoned or in exile abroad. Case backlogs led to long delays in trials, and lengthy pretrial detention was common. The judiciary was subject to executive and other outside influence. Corruption and inefficiency remained severe problems. The Government violated due process and infringed on citizens' privacy rights. The press was partly free and in some instances, the Government took retaliatory actions against media outlets and journalists; however, media criticism of security forces and the Government continued to increase during the year. The Government imposed some limits on freedom of association, religion, and movement. Governmental and societal discrimination against religious minorities remained a problem. Domestic violence against women, rape, and abuse of children remained serious problems. Honor killings continued; however, new legislation stiffens penalties for honor killings; and criminal procedures for the blasphemy laws and Hudood Ordinances were changed to prevent abuses. Discrimination against women was widespread, and traditional social and legal constraints generally kept women in a subordinate position in society. Trafficking in women and children for the purposes of forced prostitution and bonded labor, and the use of child labor remained widespread. Workers' rights were restricted, and debt slavery remained a problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Police and security forces allegedly were responsible for the deaths of individuals associated with political, extremist, or terrorist

groups during the year, and security forces committed extrajudicial killings.

On August 17, unknown gunmen killed three Pakistan People's Party (PPP) activists in Attock while they were campaigning in the district's by-election. Opposition leaders publicly charged that the Attock District mayor and security forces were complicit, but have not presented compelling evidence. Government officials denied the charges, and an investigation was ongoing at year's end.

On August 18, Jamiat Ulema-i-Islam – Fazl ur Rahman Group (JUI-F) member Qari Noor Mohammad, who was arrested on charges of being linked to al-Qa'ida, died in police custody in Faisalabad. JUI-F leaders claimed Mohammad was tortured to death. Police officials denied the allegation, stating that their inquiry concluded Mohammad died from cardiac arrest triggered by natural causes.

The extrajudicial killing of criminal suspects in staged encounters and during torture in custody occurred. Human rights monitors reported that 251 persons were killed in police encounters during the year. Police said that many of these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide; however, family members and the press said that many of these deaths were staged. Unlike in previous years, there were no reports of police killing suspected criminals to prevent them from implicating police in crimes during court proceedings.

On February 26, police shot and killed Dikhad Butt in Lalamusa. Police said the car in which Butt was riding failed to stop as ordered in connection with a drug investigation; however, family members claimed that police opened fire on the car. Protesters unsuccessfully asked that murder charges be lodged against the officials involved. On March 20, Nazakat Khan died in Khanpur while in police custody. Residents maintained he was tortured to death, while police claimed he committed suicide. Northwest Frontier Province (NWFP) Inspector General of Police (IGP) suspended four police officials in connection with the death. A judicial inquiry was ongoing at year's end. On August 10, police shot and killed Saleem Butt in Lahore following his attempt to flee when police raided his mother's house. On August 13, Syed Qutbuddin Shah died in police custody in Mirpurkhas. Police claimed he committed suicide, but the autopsy showed evidence of torture. Murder charges were pending against five police officials in the death. Two police officers were arrested and charged in the August 2003 killing of Zafar Iqbal. On August 18, one of the two suspects in police custody in Karachi burned to death; the other died 9 days later. Two police officials were suspended for 3 months in the September 2003 death of Samuel Sunil. There were no new developments in other cases reported in 2003.

In August, Tabassum Javed Kalyar was shot and killed by police while attending a demonstration. An assistant Sub Inspector, Mehdi Bhatti, was arrested for Kalyar's killing; however, Bhatti was released without bail 3 days later. Six persons have been charged in the case and an investigation was ongoing at year's end (see Section 2.b.). No progress was made in investigating the Ranger killings of Okara protesters in 2002 or 2003 (see Section 2.d.).

The Government frequently investigated police officials for extrajudicial killings; however, failure to discipline and prosecute consistently and lengthy trial delays contributed to a culture of impunity.

According to press reports, the Pakistan Armed Forces were responsible during the year for approximately 65 civilian casualties that occurred during its offensives against suspected terrorists hiding in the Federally Administered Tribal Areas (FATA).

There were reports of violence between political factions in the country. For example, the Mohajir Qaumi Movement - Haqiqi (MQM-H), an urban Sindh-based political party that in the past used violence to further its aims, claimed that its rival the Muttahida Qaumi Movement – Altaf (MQM), now a member of the national and provincial governing coalition, used security forces to carry out extrajudicial killings of its members; however, no direct connections between security forces and the killings were made. By year's end, the MQM political leadership had denounced violence and broken ties with its former militant wing, a group that resembled an armed gang carrying out retaliation against rival gangs, including the MQM-H's armed wing. A total of three policemen were suspended for 3 months and were demoted in rank as a result of their involvement with the 2003 killing of Noshad Ansar, the nephew of a regional MQM official. A total of three policemen were suspended for 3 months and were demoted in rank as a result of their involvement with the 2003 killing of Noshad Ansar, the nephew of a regional MQM official.

During the year, killings linked to sectarian, religious extremist, and terrorist groups continued. Also during the year, attacks on houses of worship and religious gatherings resulted in the deaths of nearly 200 persons (see Section 2.c.). For example, on January 15, assailants threw grenades at the Pakistan Bible Society office in the Holy Trinity Church in Karachi. A car bomb that exploded 15 minutes later in front of the building injured 16 persons, mainly police. Authorities arrested Shamin Ahmed, a member of the terrorist group Lashkar-e-Jhangvi, in connection with the attack. On March 3, gunmen attacked a Shi'a Muslim procession in Quetta, killing at least 50 and injuring over 100. Security forces killed the assailants. On May 7, a suicide bomber attacked a Shi'a mosque in Karachi, killing 28 and injuring 200. Police charged Lashkar-e-Jhangvi member Gul Hasan, who remained in detention at year's end, as an accomplice in the cases. On October 1, a suicide bomber attacked a Shi'a mosque in Sialkot, killing 31 and injuring more than 40. On October 7, during a gathering in Multan to mark the death of Sunni extremist Maulana Azam Tariq, 2 bomb blasts killed at least 39 and wounded approximately 100. On October 19, police arrested Amjad Shah, from the Shi'a extremist group Sipah-i-Mohammed for the bombing. On October 10, a suicide bomber killed 4 and injured 10 when he detonated a device at the entrance to a Shi'a mosque in Lahore.

Religious extremist and foreign terrorist organizations attempted killings of religious, political, and military figures. On May 30, unknown gunmen in Karachi shot and killed extremist Sunni religious leader Mufti Nizamuddin Shamzai and injured his son and

nephew in their vehicle. On June 10, gunmen attacked a convoy carrying the Corps Commander Karachi Lt-Gen Ahsan Saleem Hayat, killing seven soldiers, three policemen, and a pedestrian. On July 30, a suicide bomber attacked the convoy of then-Finance Minister Shaukat Aziz following his address to an election rally in Attock. The bombing killed 9 persons, including the bomber, and injured 30 others. On October 9, unknown gunmen in Karachi killed Deobandi Sunni leader Mufti Jameel Ahmed Khan and an associate in their vehicle.

Terrorists allegedly linked to al-Qa'ida carried out attacks on foreign targets during the year. On March 15, police successfully disarmed a vehicle bomb parked in front of a diplomatic consulate in Karachi. On May 3, a car bomb in Gwadar killed 3 Chinese engineers and injured 11 others. On May 26, 2 successive bomb blasts at a bilateral cultural center in Karachi killed a police guard and injured 32 police and journalists.

The Government condemned these attacks, blaming them on banned extremist organizations aided by foreign terrorist groups. Authorities charged 10 members of the al-Qa'ida-linked Jandullah extremist group in the Pakistan Bible Society bombing, the bombings at the bilateral cultural center, and the attack on the Corps Commander Karachi.

Cases were pending against three prominent Islamist politicians, Allama Sajid Naqvi, Nawab Amanullah Khan Sial, and Allama Syed Sibtain Ali Kazmi, in the 2003 death of Maulana Azam Tariq. Naqvi and Sial were granted bail, while Kazmi remained at large.

There were no arrests in the 2003 attack on a Shi'a mosque in Quetta, attributed to Lashkar-e-Jhangvi, or the 2003 suicide bombing at the Kawish Crown Plaza Shopping Center in Karachi, attributed to gang warfare. A number of junior army officers and militants, arrested in connection with the assassination attempts against President Musharraf in 2002, remained in detention. Security forces killed the alleged planner of the attack, Amjad Hussain Farooqi, in a gun battle surrounding his arrest.

Honor killings continued to be a problem, and women were the principal victims. Local human rights organizations documented 1,458 cases during the year, and many more likely went unreported. Sindh province had over half of reported cases, although human rights organizations believed the practice also was prevalent in Punjab, NWFP, and Baluchistan. For example, on April 14, Gudshan Ali and his brother-in-law Dilawar killed Ali's wife after accusing her of adultery in Drakhan Village, Sindh. Police arrested Ali, who remained in detention. On June 22, Mukhtiar Ahmed shot and killed his sister Reshman and Abdul Shahoor in Munaabad Village, Sindh after accusing them of adultery. Despite the filing of a complaint with police, no arrest was made. Police arrested several family members in the 2003 death of Afsheen Musarrat; all except her father, Musarrar Hussain, remained in custody. No progress was made in the Muridke case from 2003, nor is any likely. On October 26, the National Assembly adopted a bill increasing penalties for crimes involving matters of honor and placing restrictions on the victims or heirs' right to pardon perpetrators of such crimes; however, human rights groups remained concerned that perpetrators of such crimes, in a limited number of cases, could still be pardoned by the victim or heirs (see Section 5).

Unlike in previous years, there were no reports of shelling across the Line of Control in Kashmir, the country's border with India.

b. Disappearance

There were no reports of politically motivated disappearances; however, police and security forces held prisoners incommunicado and refused to provide information on their whereabouts, particularly in terrorism and national security cases. For example, on June 14, unidentified security force personnel detained a British and Dutch national at Lahore University for alleged ties to al-Qa'ida. Despite High Court petitions from their families, police refused to provide any information on their whereabouts. After holding journalist Kahlwar Mehdi Rizvi in secret detention for nearly 40 days, authorities charged Rizvi with sedition and conspiracy on January 28. Rizvi was released on bail on March 29.

MQM-H claimed that security forces acting on behalf of the MQM routinely held its activists incommunicado. Opposition parties charged that the MQM kidnapped and tortured their activists during the March 28 local government by-elections and the May 12 provincial and national assembly by-elections in Karachi.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and the Penal Code prohibit torture and other cruel, inhuman, or degrading treatment; however, security forces tortured and abused persons, often to elicit confessions. Ordinary courts at times dismissed such confessions. Under provisions of the Anti-Terrorist Act, coerced confessions are admissible in Special Courts; however, police had not used this provision to obtain convictions.

Security force personnel continued to torture persons in custody throughout the country. Human rights organizations reported that methods used included beating; burning with cigarettes; whipping the soles of the feet; prolonged isolation; electric shock; denial of food or sleep; hanging upside down; and forced spreading of the legs with bar fetters. Officials from the Human Rights Commission of Pakistan (HRCP) estimated 5,000 cases of police torture annually; the Lawyers for Human Rights and Legal Aid Madadgaar Project recorded 1,101 cases of torture during the year. At times, torture resulted in death or serious injury (see Section 1.a.). For example, on January 2, police in Choti Zaireen village, Punjab, beat Saifullah Ghangle with a blunt object until he fell unconscious. Ghangle remained in a coma in Lahore at year's end. Five police officials were charged in the case but none were arrested. On November 21, Naddeem Latif died during torture in custody. Two police officials were arrested in the case.

and remained in detention at year's end. There were no new developments in the Rasheed Azam case from 2003, nor were any expected.

Unlike in previous years, there were no reports of paramilitary forces or the army torturing or killing farmers for refusing to sign contracts ceding their land rights to the Army in Okara.

The Hudood Ordinances provide for harsh Koranic punishments for violations of Islamic law (Shari'a), including death by stoning and amputation. These punishments, which require a high standard of evidence, were not used during the year.

Special women's police stations with all female staff have been established in response to complaints of custodial abuse of women, including rape. The Government's National Commission on the Status of Women claimed the stations did not function effectively in large part due to a lack of resources. Court orders and regulations prohibit male police from interacting with female suspects, but women were often detained and interrogated at regular stations. Instances of abuse of women in prisons were less frequent. Sexual abuse of child detainees by police or guards reportedly also was a problem.

There were allegations from several sources that during military operations in South Waziristan security forces committed human rights violations. Security forces destroyed houses of known and suspected militants in accordance with the collective punishment provisions of the Frontier Crimes Regulations (see Sections 1.e. and 1.f.). Press reports indicated that 65 civilian casualties occurred during the course of the campaign; however, the Government took care to minimize casualties, including advance notification of impending operations.

Police failed in some instances to protect members of religious minorities--particularly Christians, Ahmadis, and Shi'as--from societal attacks (see Sections 2.c. and 5).

Prison conditions were extremely poor, except those for wealthy or influential prisoners. Overcrowding was widespread. According to HRCP, there were 85,000 prisoners occupying 87 jails originally built to hold a maximum of 36,075 persons. Nine prisoners died in the Faisalabad Jail due to a lack of medical assistance.

Inadequate food in prisons led to chronic malnutrition for those unable to supplement their diet with help from family or friends. Access to medical care was a problem. Mentally ill prisoners usually lacked adequate care and were not segregated from the general prison population (see Section 5). Foreign prisoners, mostly citizens of African countries, often remained in prison long after their sentences were completed because there was no one to pay for deportation to their home country.

Shackling of prisoners was routine. The shackles used were tight, heavy, and painful, and reportedly led to gangrene and amputation in several cases.

There were reports of prison riots. On September 2, a riot broke out in the Sargodha district jail following the death of an inmate, allegedly from torture. Four inmates were killed and six guards and several inmates were injured. Several guards were briefly held hostage. The riots ended when an autopsy showed that the inmate in question died of a heart attack rather than torture. In the Sialkot prison riot of July 2003, 17 police officials were charged. None had been arrested by year's end.

Female detainees and prisoners were held separately from male detainees and prisoners. According to women's rights NGOs, there were approximately 3,000 women in jail nationwide at year's end. Pretrial detainees often were not segregated from convicted criminals.

On December 5, the Lahore High Court struck down the Juvenile Justice System Ordinance, designed to protect the rights of children, on the grounds of being unconstitutionally vague. At year's end, the judgment remained in abeyance during appeals to the Supreme Court. Child offenders were generally kept in the same prisons as adults, albeit in separate barracks. Children in prison were subjected to the same harsh conditions, judicial delay, and mistreatment as the adult population. Local NGOs estimated 3,000 children were in prison at year's end. Child offenders could alternatively be sent to one of two residential reform schools in Karachi and Bahawalpur until they reached the age of majority. Abuse and torture reportedly also occurred at these facilities. Nutrition and education were inadequate. Family members were forced to pay bribes to visit children or bring them food. Facility staff reportedly trafficked drugs to children incarcerated in these institutions.

Landlords in Sindh, political factions in Karachi, and tribes in rural areas operated private jails.

The Government permitted visits to prisoners and detainees by human rights monitors, family members, and lawyers with some restrictions (see Section 1.d.). Visits by local human rights monitors occurred during the year; however, the International Committee of the Red Cross (ICRC) was denied access to alleged terrorist detainees.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, in practice the authorities did not always comply with the law. The District Coordinating Officer (DCO) may order preventive detention for up to 90 days; however, human rights monitors reported instances in which prisoners have been held in preventive detention for up to 6 months. Human rights organizations charged that

a number of individuals affiliated with terrorist organizations were held in preventive detention indefinitely. Under the criminal code, police may hold a suspect in investigative detention for 24 hours. A magistrate may permit continued detention for up to 14 days if necessary to complete the investigation. In corruption cases, the National Accountability Board (NAB) may hold suspects indefinitely, provided judicial concurrence is granted every 15 days (see Section 1.e.).

The police force was generally considered ineffective, abusive, and corrupt. Failure to punish abuses created a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. Police charged fees to register genuine complaints and accepted money for registering false complaints. Bribes to avoid charges were commonplace. Persons paid police to humiliate their opponents and to avenge their personal grievances. Corruption was most prominent among Station House Officers (SHO), who ran each precinct. Some reportedly operated arrest for ransom operations and established unsanctioned stations to increase illicit revenue collection.

The 2002 Police Order was not fully implemented during the year. While the central government has allocated funding for the envisioned reforms, the national, provincial, and local police oversight bodies were not operating in most locations, ostensibly due to disputes between provincial and federal officials as to the scope of their authority.

A First Information Report (FIR) is the legal basis for all arrests. Police are to issue FIRs provided complainants offer reasonable proof that a crime has been committed. A FIR allows police to detain a named suspect for 24 hours after which only a magistrate can order detention for an additional 14 days, and then only if police show such detention is material to the investigation. In practice, the authorities did not fully observe these limits on detention. FIRs were frequently issued without supporting evidence as part of harassment or intimidation. Police routinely did not seek magistrate approval for investigative detention and often held detainees without charge until a court challenged them. Incommunicado detention occurred (see Section 1.c.). When asked, magistrates usually approved investigative detention without reference to its necessity. In cases of insufficient evidence, police and magistrates colluded to continue detention beyond the 14-day period provided in the law through the issuance of new FIRs. The police sometimes detained individuals arbitrarily without charge or on false charges to extort payment for their release. Some women continued to be detained arbitrarily and sexually abused (see Sections 1.c. and 5). Police also detained relatives of wanted criminals in order to compel suspects to surrender (see Section 1.f.).

The FATA have a separate legal system, the Frontier Crimes Regulation, which recognizes the doctrine of collective responsibility. Authorities are empowered to detain fellow members of a fugitive's tribe, or to blockade a fugitive's village, pending his surrender or punishment by his own tribe.

The law stipulates that detainees must be brought to trial within 30 days of their arrest. Under both the Hudood and standard criminal codes, there were bailable and non-bailable offenses. Bail pending trial is required for bailable offenses and permitted at a court's discretion for non-bailable offenses with sentences of less than 10 years. In practice, judges denied bail at the request of police, the community, or on payment of bribes. In many cases, trials did not start until 6 months after the filing of charges, and in some cases individuals remained in pretrial detention for periods longer than the maximum sentence for the crime for which they were charged. HRCP estimated that 80 percent of the prison population was awaiting trial.

In November, the Supreme Court granted bail to Asif Zardari, husband of former Prime Minister Benazir Bhutto, in the final of several outstanding cases against him. Zardari was released, but on December 21, a Karachi anti-terrorism court cancelled Zardari's bail in a separate murder case. He was rearrested at the Islamabad airport while on his way to address a political rally; however, after 24 hours of house arrest in Karachi, Zardari was again released and remained free on bail at year's end. The Pakistan People's Party-Parliamentarians (PPPP) claimed all cases against Zardari were political and that the cancellation of his bail in December was ordered by the Government to prevent him from holding marches and rallies in Punjab.

The Government permitted visits to prisoners and detainees by human rights monitors, family members, and lawyers (see Section 1.c.), with some restrictions. Courts appointed attorneys for indigents only in capital cases. In some cases persons had to pay bribes to see a prisoner. Foreign diplomats may meet with prisoners when they appear in court and may meet with citizens of their countries in prison visits. Local human rights activists reported few restrictions to their access to prisons.

As in previous years, the Government used preventive detention, mass arrests, and excessive force to quell or prevent protests, political rallies, or civil unrest (see Section 2.b.).

Several dozen MQM-H activists, arrested between 1999 and 2003 remained in custody at year's end, some without charge.

According to human rights monitors, 80 to 85 percent of the female prison population was awaiting trial on adultery related offenses under the Hudood Ordinances. Most of these cases were filed without supporting evidence, trials often took years, and bail was routinely denied.

Special rules apply to cases brought by the NAB or before antiterrorist courts. Suspects in NAB cases may be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, are not allowed access to counsel. Accountability courts may not grant bail; the NAB chairman has sole power to decide if and when to release detainees. Anti-terrorist courts are not to grant bail if the court has reasonable grounds to believe that the accused is guilty. Amendments to the Anti-Terrorist Act that were passed by the National Assembly on October 18 allow security forces without reference to the courts to restrict the activities of terrorist suspects, seize their assets, and detain them for up to a year without charges.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice, the judiciary remained subject to executive branch influence at all levels. Lower courts remained corrupt, inefficient, and subject to pressure from prominent religious and political figures. The politicized nature of judicial promotions enhanced the Government's control over the court system. Unfulfilled judgeships and inefficient court procedures resulted in severe backlogs at both trial and appellate levels. In non-political cases, the High Courts and Supreme Court were generally considered credible.

There are several court systems with overlapping and sometimes competing jurisdictions: Criminal; civil and personal status; terrorism; commercial; family; and military.

The civil, criminal, and family court systems provide for an open trial, the presumption of innocence, cross-examination by an attorney, and appeal of sentences. There are no jury trials. Due to the limited number of judges, the heavy backlog of cases, lengthy court procedures, and political pressures, cases routinely took years, and defendants had to make frequent court appearances. Cases start over when an attorney changes.

The Anti-Terrorist Act allows the Government to use special streamlined courts to try violent crimes, terrorist activities, acts or speech designed to foment religious hatred, and crimes against the State. Cases brought before these courts are to be decided within 7 working days, but judges are free to extend the period as required. Under normal procedures, the High and Supreme Courts hear appeals from these courts. Human rights activists have criticized this expedited parallel system, charging it is more vulnerable to political manipulation.

Special accountability courts try corruption cases (see Section 1.d.), including defaults on government loans by wealthy debtors, brought by the NAB. The NAB has not targeted genuine business failures or small defaulters. Accountability courts are expected to try cases within 30 days. In accountability cases, there is a presumption of guilt.

Despite government claims that NAB cases would be pursued independent of an individual's political affiliation, opposition politicians were more likely to be prosecuted (see Section 1.d.); however, in November, NAB issued orders for sitting Minister of Kashmir and Northern Areas Faisal Saleh Hayat to appear in court on corruption charges originally filed in 2000. NAB prosecuted no serving members of the military or judiciary.

At the trial level, ordinary criminal courts hear cases involving violations of the Hudood ordinances, which criminalize nonmarital rape (see Section 5), extramarital sex, gambling, alcohol, and property offenses. The Hudood ordinances set strict standards of evidence, which discriminate between men and women and Muslims and non-Muslims, for cases in which Koranic punishments are to be applied (see Sections 1.c. and 5). For Hudood cases involving the lesser secular penalties, different weight is given to male and female testimony in matters involving financial obligations or future commitments.

All Hudood convictions resulting in sentences of more than 2 years are appealed in first instance to the Federal Shariat Court. The Federal Shariat Court was subject to political and religious pressure. Attorneys in such cases must be Muslims familiar with Koranic law. The Shari'a bench of the Supreme Court hears appeals from the Federal Shariat Court. The Federal Shariat Court may overturn legislation that it judges to be inconsistent with Islamic tenants, but such cases are appealed and finally heard by the Shari'a bench of the Supreme Court.

The Penal Code allows for the victim or his/her family to pardon criminal defendants in exchange for monetary restitution (Diyat) or physical restitution (Qisas). While Diyat was invoked, particularly in NWFP and in honor cases in Sindh, it was not known that Qisas have been used.

Tribal leaders are responsible for justice in the FATA. They conduct hearings according to Islamic law and tribal custom. The accused have no right to legal representation, bail, or appeal. The usual penalties consisted of fines. Federal civil servants assigned to tribal agencies oversee proceedings and may impose prison terms of up to 14 years.

Feudal landlords in Sindh and tribal leaders in Patan and Baloch areas continued to hold jirgas in defiance of the established legal system. Such jirgas, particularly prevalent in rural areas, settled feuds and imposed tribal penalties on perceived wrongdoers that could include fines, imprisonment, or even the death sentence. In Pashto areas, such jirgas were held under the outlines of the Pashtun Tribal Code. Under this code, a man, his family, and his tribe are obligated to take revenge for wrongs--either real or perceived--to redeem their honor. Frequently, these disputes arose over women and land, and often resulted in violence (see Section 5). There were no developments in the killing of eight family members for failure to provide two girls in marriage in 2003. The eight suspects in the 2002 gang rape of Mukhtaran Bibi in Meerwalla, ordered by the tribal code, remained on death row.

Some political groups claimed their members were marked for arrest based on their political affiliation (see Section 1.c. and 1.d.). On April 12, PML-N leader Javed Hashmi was convicted in closed proceedings on charges of sedition and sentenced to more than 20 years in prison. Hashmi was arrested in October 2003 for releasing an anonymous letter allegedly written by army officers that was critical of President Musharraf's leadership. Appeals were ongoing at year's end. Hashmi was permitted visits by numerous opposition and civil society leaders.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The law requires court-issued search warrants for property but not persons, in most cases; however, police routinely ignored this requirement and at times stole items during searches. Police were seldom punished for illegal entry. In cases being pursued under the Antiterrorist Act, security forces were allowed to search and seize property related to the case without a warrant.

The Government maintained several domestic intelligence services that monitored politicians, political activists, suspected terrorists, and suspected foreign intelligence agents. Despite a Supreme Court order, credible reports indicated that the authorities routinely used wiretaps and intercepted and opened mail without the requisite court approval.

In accordance with the Anti-Terrorist Act, the Government banned the activities of and membership in several religious extremist and terrorist groups. However, many of the groups that the Government banned still remained active.

While the Government generally did not interfere with the right to marry, local officials on occasion assisted influential families to prevent marriage the families opposed. The Government also failed to prosecute vigorously cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members. Upon conversion to Islam, women's marriages performed under the rites of their previous religion were considered dissolved, while the marriages of men who converted remained intact (see Section 2.c.).

In some cases, the authorities detained relatives in order to force a family member who was the recipient of an arrest warrant to surrender (see Section 1.d.).

The Frontier Crimes Regulation, the separate legal system in the FATA, permits collective responsibility, and empowers the authorities to detain innocent members of the suspect's tribe, or to blockade an entire village (see Section 1.d.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and citizens generally were free to discuss public issues; however, some journalists were intimidated and others practiced self-censorship.

There were numerous English and Urdu daily and weekly newspapers and magazines. All were independent. The Ministry of Information controls and manages the country's primary wire service, the Associated Press of Pakistan (APP), which is the official carrier of Government and international news to the local media. The few small privately owned wire services practiced self-censorship. Foreign magazines and newspapers were available, and many maintained in-country correspondents who operated freely. Newspapers were free to criticize the Government, and most did. Condemnation of government policies and harsh criticism of political leaders and military operations were common. The only known retribution against a publication was denial of government advertising for several months to one English-language and one Urdu-language newspaper.

The Government directly owned and controlled Pakistan Television and Radio Pakistan, the only national free electronic broadcasters. The semi-private Shalimar Television Network, in which the Government held the majority ownership stake, expanded its broadcast range during the year. All three reflected the Government point of view in news coverage. Private cable and satellite channels Geo, ARY, Indus, and Khyber all broadcast domestic news coverage and were critical of the Government. Cable and satellite television with numerous international news stations was generally affordable. Private radio stations existed in major cities, but their licenses prohibited news programming. Some channels evaded this restriction through talk shows, although they were careful to avoid most domestic political discussions. International radio broadcasts, including from the British Broadcasting Corporation and the Voice of America, were available.

The Government arrested, harassed, and intimidated journalists during the year. For example, on January 29, the mayor of Mansehra in NWFP killed Sajid Tanoli, a reporter for the Urdu-language daily Shumaal (North) following a report in which Tanoli accused the mayor of alcohol smuggling. The mayor's brother and son were arrested as accomplices, but he remained at large. On April 21, Pakistani security forces detained and secretly held Afghan national Sami Yousafzai, a Newsweek stringer, who accompanied a western journalist to FATA. Yousafzai was released on June 2. Several local journalists were denied entry to the FATA during the year. On September 9, police in Okara district Punjab detained Sarwar Mujahid, a journalist with the Urdu-language daily Nawa-i-Waqt, following a series of articles he wrote on the ongoing Okara Farms land dispute.

On January 28, authorities brought to court on sedition and conspiracy charges carrying a possible life sentence freelance journalist Khawar Mehdi Rizvi, who was detained along with two western journalists in December 2003 and subsequently held incommunicado for over a month. After reviewing the charges, an anti-terrorism court in Quetta ordered him released on bail on March 29, and he remained free pending trial. In August, the Government dropped the original charges but filed new ones carrying a maximum sentence of 21 years. Trial on these charges was ongoing. Rizvi left the country in December.

Several individual journalists were threatened and intimidated by government agencies for reports that called into question the Government's commitment to fight terrorism. Amir Mir, who was seriously harassed by the Government in 2003 for an article

alleging that the Government condoned the presence of a terrorist suspect in Karachi, was able to republish the story in a book without incident.

Extremist groups also harassed and physically assaulted journalists. For example, on February 24, a bomb exploded without causing personal injuries at the Quetta office of the daily Urdu-language newspaper Jang. The separatist Baluchistan Liberation Army claimed responsibility. On February 29, Shi'a protesters ransacked the Karachi Press Club, injuring a guard, in retaliation for disparaging remarks made during a debate aired on the private television station Geo. Police blocked protesters from proceeding to Geo's Karachi studios. There were no developments in the 2003 killing of journalist Ameer Bux Brohi.

The Government directly and indirectly censored the media during the year. For example, on May 9, satellite broadcaster ARY cancelled an interview with opposition politician Shahbaz Sharif due to what its executives termed "huge government pressure." On October 12, Information Minister Sheikh Rashid publicly castigated satellite broadcasters for airing programs "glorifying terrorists" and threatened unspecified action. In response, ARY suspended its popular news program "News and Views," which had aired a sympathetic report on deceased terrorist Amjad Farooqi. The program was restored on October 25. Media outlets also practiced self-censorship.

On August 31, the Government shut down a new Urdu-language paper, the Islamabad Times, before it could bring out its first issue.

Constitutional prohibitions on ridiculing Islam, the armed forces, and the judiciary and blasphemy laws have been used in the past to censor journalists, although there were no reports of the use of these provisions during the year. On November 11, the Peshawar High Court overturned the 2003 blasphemy conviction of Frontier Post copy editor Munnawar Mohsin Ali, and he was released. Many private media organizations were dependent on government advertising revenue, and two major anti-government newspapers were denied government advertising for several months.

Unlike in previous years, there were no reports of the Government denying visas to Indian journalists.

An Anti-Defamation Law passed during the year significantly expanded the definition of and increased penalties for defamatory statements. The Government claimed the Bill's language exempted members of the media, and no member of the media had been prosecuted under the new law.

The Anti-Terrorist Act prohibits the possession or distribution of material designed to foment sectarian hatred or obtained from banned organizations. Court rulings mandate the death sentence for anyone blaspheming against the "prophets." The Penal Code provides for life imprisonment for desecrating the Koran and up to 10 years in prison for insulting another's religious beliefs with the intent to outrage religious feelings (see Section 2.c.)

Foreign books must pass government censors before being reprinted. Books and magazines may be imported freely, but are subject to censorship for objectionable sexual or religious content. During the year, an Islamabad magistrate ordered the November 22 issue of Newsweek destroyed due to objectionable photos accompanying an article on the murder of Dutch national Theo Van Gogh.

Obscene literature, a category broadly defined by the Government, was subject to seizure. Dramas and documentaries on previously taboo subjects, including corruption, social privilege, narcotics, violence against women, and female inequality, were broadcast on television; however, some sensitive series have been canceled before being broadcast. During the year, police cracked down on pornographic and unlicensed cinemas in the NWFP.

The Government limited access to the Internet. Access to the South Asian Tribune, an anti-government online magazine, was blocked sporadically.

The Government generally did not restrict academic freedom. However, the atmosphere of violence and intolerance fostered by student organizations, typically tied to religious political parties, continued to limit academic freedom. On some university campuses, well-armed groups of students, primarily from radical religious organizations, had clashes with and intimidated other students, instructors, and administrators over issues such as language, syllabus content, examination policies, grades, doctrines, and dress. These groups frequently facilitated cheating on examinations, interfered with the hiring of staff, controlled those admitted to the universities, and sometimes also controlled the funds of the institutions. Such control generally was achieved through a combination of protest rallies, control of the campus media, and threats of mass violence. In response, university authorities banned political activity on many campuses, but with limited effect.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom "to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order," and the Government generally observed this right, but with some restrictions. While the Government allowed numerous opposition rallies and demonstrations to proceed during the year, at times, it denied permits or imposed restrictions on timing and/or venue. For example, the Jamaat-e-Islami was forced to move its annual September gathering from Lahore to the outskirts of Peshawar when its initial permit application was denied. Ahmadis have been prohibited

from holding any conferences or gatherings since 1984 (see Section 2.c.). In the wake of renewed sectarian violence in October, the Government banned religious extremist organizations from holding any public gatherings.

Police sometimes used excessive force against demonstrators (see Section 1.a.). For example, on August 20, police used tear gas and shot in the air to disperse Christian protestors in Sheikhpura who were angered over the death in custody of Nasir Masih. A woman passerby was injured. The Government did not prosecute any members of the security forces, nor was it likely to do so. On December 21, police used batons and tear gas to disperse a PPPP crowd gathered at the Islamabad International Airport to meet Asif Zardari. The crowd had started to vandalize airport property when it became clear that Zardari had been rearrested. The PPPP claimed police action was designed to prevent its holding rallies and marches in Punjab Province.

The authorities sometimes prevented leaders of religious political parties from traveling to certain areas if the authorities believed their presence would increase sectarian tensions or cause public violence (see Section 2.d.).

The Constitution provides for the right of association subject to restriction by government ordinance and law. NGOs were required to register with the Government under the Cooperative Societies and Companies Ordinance of 1960. No prominent NGO reported problems with the Government over registrations during the year. Some continued to operate without registering and were not prosecuted.

c. Freedom of Religion

The Constitution states that adequate provisions shall be made for minorities to profess and practice their religions freely; however, the Government limited freedom of religion. Islam is the state religion. The Constitution requires that laws be consistent with Islam. All citizens were subject to certain provisions of Shari'a, such as the blasphemy laws. Reprisals and threats of reprisals against suspected converts from Islam occurred. Members of religious minorities were subject to violence and harassment, and police at times refused to prevent such actions or to charge persons who committed them. The President and the Prime Minister must be Muslim. The Prime Minister, federal ministers, and ministers of state, as well as elected members of the Senate and National Assembly (including non-Muslims) must take an oath to "strive to preserve the Islamic ideology, which is the basis for the creation of Pakistan" (see Section 3).

Religious groups must be approved and registered; there were no reports that the Government refused to register any group.

The Constitution declares the Ahmadi community, which considers itself a Muslim sect, to be a non-Muslim minority. Provisions of the penal code prohibited Ahmadis from engaging in any Muslim practices, including using Muslim greetings, referring to their places of worship as mosques, reciting Islamic prayers, and participating in the Hajj or Ramadan fast. Ahmadis are prohibited from proselytizing, holding gatherings, or distributing literature. Government forms, including passport applications and voter registration documents, require anyone wishing to be listed as a Muslim to denounce the founder of the Ahmadi faith. Ahmadis were frequently discriminated against in government hiring and in admission to government schools.

Complaints under the blasphemy laws, which prohibit derogatory statements or action against Islam, the Koran, or the prophets, were used to settle business or personal disputes and to harass religious minorities or reform-minded Muslims. Most complaints were filed against the majority Sunni Muslim community. Most blasphemy cases were ultimately dismissed at the appellate level; however, the accused often remained in jail for years awaiting a final verdict. Trial courts were reluctant to release on bail or acquit blasphemy defendants for fear of violence from religious extremist groups. On October 26, the National Assembly passed a bill that revises the complaint process and requires senior police officials' review of such cases in an effort to eliminate spurious charge. During the year, there were 8 persons convicted under the blasphemy laws and another 50 ongoing cases.

All religious groups experienced bureaucratic delays and requests for bribes when attempting to build houses of worship or to obtain land. Ahmadis were prevented from building houses of worship. For example, in Taltay Aali, Gujranwala District, the Ahmadi community was barred from completing construction, following attacks on the site by local Muslims.

"Islamiyyat" (Islamic studies) is compulsory for all Muslim students in state-run schools. Students of other faiths are exempt from such classes; however, in practice, teachers induced many non-Muslim students to complete Islamic studies.

Although there were few Jewish citizens in the country, anti-Semitic sentiments appeared to be widespread, and anti-Semitic and anti-Zionist press articles were common.

Sectarian violence between Sunni and Shi'a extremists continued during the year. Attacks on mosques and religious gatherings resulted in over 100 deaths (see Sections 1.a. and 5). Unidentified gunmen allegedly linked to Sunni extremist groups continued to kill Shi'a professionals, primarily doctors and lawyers, during the year. Investigations into the 2003 attack on a Shi'a mosque in Quetta were ongoing.

Christians and Ahmadis were the targets of religious violence. On August 21, unknown assailants shot and killed Barkatullah Mangla, an Ahmadi advocate, at his residence in Sargodah. No one was arrested in the case. On May 2 in a Faisalabad hospital, Javed Anjum, a 19-year-old Christian, died. Anjum had drunk water from a tap at a local madrassa and was held by the teachers and students for 5 days and allegedly beaten. Subsequently, he was transferred to police and charged with theft.

Because of his injuries, police later transferred him to the hospital in Faisalabad where he died. No arrests had been made by year's end. On August 3, a Christian, Tasneem Dean, and his family relocated from their home in Asafabad for fear of violence from the local Muslim community. Dean's 11-year-old daughter had accidentally thrown her father's antique copy of the Koran in the garbage. While the community's Islamic religious leaders accepted the Deans' explanation that the incident was an accident, local authorities advised Dean to depart, as they could not ensure his safety from extremist elements.

Islamic religious leaders frequently harassed the Ahmadi community and organized marches, conferences, and demonstrations against it. For example, on July 23, several thousand Sunni Muslims demonstrated in the Ahmadi-majority city of Chenab Nagar (Rabwah) over a decision to relocate the local police station. The station, which had included a small mosque, had been constructed on land on loan from the Ahmadi community. The local Islamic leadership objected to the return of the mosque site to the Ahmadi owners. On September 6, the provincial government, bowing to public pressure, ordered the site returned to police.

On September 25, a Muslim mob attacked the Sikh Gurudwara Junam Asthan in the village of Nankana Sahib, causing damage to the shrine. A government report, which stated that the land on which the Guru Nanak Degree College was located rightfully belonged to the Gurudwara, angered the mob. The National Assembly called on the Punjab provincial government to prosecute those responsible. Several persons were arrested in connection with the case.

The Ahmadi, Christian, Hindu, and Shi'a Muslim communities reported significant discrimination in employment and access to education, including at government institutions.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights; however, the Government limited them in practice. The Government at times prevented political party leaders and religious leaders from traveling to certain parts of the country (see Section 2.b.). Special permission was required to enter certain restricted areas, including parts of the FATA.

Law prohibited travel to Israel. Government employees and students must obtain "no objection" certificates before traveling abroad, although this requirement rarely was enforced against students. Persons on the publicly available Exit Control List (ECL) are prohibited from foreign travel. There were approximately 2,153 names on the ECL. While the ECL was intended to prevent those with pending criminal cases from traveling abroad, no judicial action is required to add a name to the ECL. Those on the list have the right to appeal for removal to the Secretary of Interior and the Advocate General of the Senior Judiciary. Courts have intervened to have opposition leaders removed from the ECL.

The Constitution prohibits forced exile; however, former Prime Minister Nawaz Sharif remained in exile in Saudi Arabia, in accordance with a 2000 agreement with the Government. Former Prime Minister Benazir Bhutto remained in self-imposed exile. She faces a number of corruption and contempt of court charges should she return to the country. In May, Shahbaz Sharif, PML-N President and brother of the deposed former Prime Minister, returned to Saudi Arabia only 2 hours after he landed in Lahore. Sharif asserted that he was forced into exile.

According to press reports there were approximately 1.5 million displaced Kashmiris, from Indian-held Kashmir, in the country. Under the law, the Kashmiris are entitled to the same rights as citizens.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol; however, the Government has a system to protect refugees. The Government provided protection against refoulement, the return of persons to a country where they feared persecution. Since 1979, the Government has provided temporary protection to millions of refugees from neighboring Afghanistan. The Government maintained there were 3.2 million Afghan refugees in the country at year's end. The Government continued to work closely with the United Nations High Commission for Refugees (UNHCR) to provide support to this population. The Government cooperated with UNHCR in the voluntary repatriation of 384,032 Afghan refugees during the year.

Police in some cases demanded bribes from Afghan refugees. There were credible reports that intelligence communities harassed refugees during their search for al-Qa'ida. Some women refugees who accepted jobs with NGOs reported harassment from Taliban sympathizers in their own community. Refugees faced societal discrimination and abuse from local communities, which resented economic competition and blamed refugees for high crime rates. Single women, female-headed households, and children working on the streets were particularly vulnerable to abuse. In November, Afghan refugees attacked health clinics in the Girdi Jungle refugee camps run by Save the Children after desecrated Korans were found outside the buildings. Save the Children temporarily suspended its operations in the camp until the Government provided enhanced security.

Approximately 300,000 Biharis, Urdu-speaking non-Bengali Muslims from Bangladesh, continued to campaign for resettlement in the country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provided citizens with the right to change their government; however, this right was restricted in practice. President Musharraf has controlled the Government since 1999 and dominated the Pakistan Muslim League (PML) federal coalition government. International observers deemed the 2002 national elections somewhat free and fair, although they noted serious flaws.

Chief of Army Staff General Pervez Musharraf assumed the presidency by decree in 2001 following the military overthrow of the elected government of Prime Minister Nawaz Sharif in 1999. The Supreme Court later sanctioned the coup; however, it directed Musharraf to restore elected government within 3 years. In 2002, President Musharraf held a nationwide referendum on a 5-year extension of his presidency and claimed to have received a 97.5 percent vote in favor of the referendum. However, some independent observers found evidence of widespread fraud and coerced voting. The Supreme Court ruled that the referendum was constitutional; however, the court allowed the results to be revisited by an elected parliament. In December 2003, the National Assembly affirmed Musharraf as President until 2007.

Elections were held for the National and Provincial Assemblies in October 2002. Musharraf's Legal Framework Order (LFO) created a number of new candidate eligibility prerequisites. International and domestic observers found the election somewhat free and fair, but identified serious flaws in the election framework and tampering with results in certain districts. After a number of floor crossings, which the opposition claim were induced, the PML was able to form a governing coalition in concert with the MQM, smaller parties, and dissident groups from opposition parties. In February 2003, indirect Senate elections resulted in a majority for the governing coalition. In December 2003, the Parliament incorporated a large part of the LFO into the 1973 Constitution as its 17th Amendment. The Amendment affirms Musharraf's presidency until 2007 and exempts him from a prohibition on holding two offices of state until the end of 2004, thereby allowing him to continue as Chief of Army Staff. The Amendment allows the President to dissolve Parliament, but requires him to obtain the consent of the Supreme Court within 30 days. Opposition parties say the amended constitution legitimizes the powerful role of the military in politics, and transfers significant powers from the prime ministership to the previously ceremonial presidency. On October 15, the National Assembly, over objections from all opposition parties, approved a bill that extends Musharraf's exemption to hold two offices through 2007. On December 30, Musharraf announced that he would continue as Chief of Army Staff.

The National Assembly and the Cabinet functioned normally during the year. On June 26, Prime Minister Mir Zafarullah Khan Jamali resigned, and was replaced on an interim basis by Chaudhry Shujaat Hussain. On August 27, the National Assembly elected the PML candidate, former Finance Minister Shaukat Aziz, as Prime Minister, although all opposition parties boycotted the vote because their candidate, PML(N) leader Javed Hashmi, was not allowed to appear at the Assembly, having been convicted of sedition. Opposition parties criticized Aziz's election to the National Assembly, claiming his two by-election victories to the National Assembly on August 18 were fraudulent. Domestic and international observers found irregularities but concluded the elections were generally free, fair, and credible.

President Musharraf continued to back reforms proposed by the National Reconstruction Bureau to empower local governments. In 2001, non-partisan elections for local government assemblies were held in 97 districts. Directly elected union councilors elected district nazims (mayors) and members of district councils. According to local and international election observers, the elections were generally free and fair. However, opposition parties accused the Government of intervening to ensure that pro-Musharraf candidates were elected.

The Government permitted all existing political parties to function. The Government forced the PPP-P and PML-N to elect leaders other than former P.M.s Benazir Bhutto and Nawaz Sharif by refusing to register any parties whose leaders had a court conviction. The amended Political Parties Act bars any person from becoming Prime Minister for a third time, effectively barring Benazir Bhutto and Nawaz Sharif.

The opposition claimed the Government convicted two of its leaders on politically motivated charges during the year. On April 12, PML-N leader Javed Hashmi was convicted in closed proceedings on charges of sedition and sentenced to more than 20 years in prison (see Section 1.e.). Former PPP National Assembly Speaker Yousaf Raza Gillani was sentenced to 10 years in prison on September 18 on charges of abuse of office. Gillani was accused of using his position as Speaker to obtain jobs for relatives and supporters.

The Government ban on political party activities in the FATA continued. Candidates were not allowed to register by political party, and political party rallies were not allowed. Several political parties campaigned covertly during the 2002 national elections.

Corruption among executive and legislative branch officials remained a problem during the year, and public perception of corruption was widespread.

The National Accountability Ordinance (NAO) prohibits those convicted of corruption by the NAB from holding political office for 10 years (see Section 1.d.). The NAB disproportionately targeted opposition politicians for prosecution and did not prosecute members of the military.

While fairly restrictive regarding the information that citizens are entitled to, a Freedom of Information Ordinance became law

after being enacted by Presidential Ordinance in 2002.

Inhabitants of the Northern Areas (Gilgit and Baltistan) are not covered under the Constitution and have no representation in the federal legislature. An appointed civil servant administered these areas; an elected Northern Areas Council serves in an advisory capacity. Members of the Azad Kashmir assembly and government are required to claim allegiance to Pakistan before they can stand in elections. Some Kashmiri political parties advocated for an independent Kashmir and have therefore not been allowed to stand in provincial elections.

There were 73 women in the 342-seat National Assembly; there were five women in the Cabinet; and none in the Supreme Court. Sixty seats in the National Assembly are reserved for women, as are 128 of the 758 seats in provincial assemblies and one-third of the seats in local councils. In some districts, social and religious conservatives prevented women from becoming candidates; however, in several districts, female candidates were elected unopposed. Women participated in large numbers in elections, although some were dissuaded from voting by their families, religious and tribal leaders, and social customs. Local leaders in the Lower Dir District in the NWFP did not allow women to contest the local government by-elections in March. As a result of this agreement and similar ones from the past, 196 of 204 seats reserved for women in the local council remained vacant. A similar ban was also agreed in part of Swabi and other NWFP districts. Provincial chief ministers have named women to serve in their cabinets.

There were 10 minorities in the 342-seat legislature; there was none in the Cabinet; and there was 1 on the Supreme Court. All 10 minority members of the National Assembly hold reserved religious minority seats. Such seats are apportioned to parties based on the overall percentage of elected seats held in parliament. Previous direct elections for minority seats have been abolished. Under the Constitution, minorities also have reserved seats in the provincial assemblies (see Section 2.c.). The Government requires voters to indicate their religion when registering.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. They are required to be registered, although this requirement was not generally enforced. Government officials often were cooperative and responsive to their views. Human rights groups reported that they generally had good access to police stations and prisons. The HRCP continued to investigate human rights abuses and sponsor discussions on human rights issues during the year.

International observers were permitted to visit the country and travel freely. The Government generally cooperated with international governmental human rights organizations. The ICRC had a delegation in country.

The National Assembly Standing Committee on Law, Justice, and Human Rights held hearings on a number of issues during the year, including honor crimes, the Anti-Defamation Law, the Blasphemy Law, and the Hudood Ordinance. While the Committee served as a useful forum to raise public awareness of such issues, its final action generally adhered to government policy. The Senate Standing Committee on Law, Justice, and Human Rights debated a number of issues of significant concern during the year and published a well-regarded investigatory report into the 2002 and 2003 dispute at Okara Farms in which security force personnel were implicated in abuse. The Parliamentarians Commission for Human Rights, an inter-party caucus of parliamentarians, was active in lobbying for reform in key areas.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution provides for equality before the law for all citizens and broadly prohibits discrimination based on race, religion, caste, residence, or place of birth; however, in practice there was significant discrimination based on these factors.

Women

Domestic violence was a widespread and serious problem. Husbands frequently beat, and occasionally killed, their wives, and often newly married women were abused and harassed by their in-laws. Dowry and family-related disputes often resulted in death or disfigurement through burning or acid. For example, on July 9, in Latifabad, Musa Khan threw acid on the face of his estranged wife Basira. A case against him was pending at year's end. During the year, there were 193 cases of stove deaths, many of these related to disputes with in-laws.

According to the HRCP, one out of every two women was the victim of mental or physical violence. The National Commission on the Status of Women has called for specific domestic violence legislation. In its absence, abusers may be charged with assault, but cases rarely were filed. Police and judges were reluctant to take action in domestic violence cases, viewing it as a family problem. Battered women were usually returned to their abusive family members. Women were reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives. Relatives were reluctant to report abuse for fear of dishonoring the family reputation.

The Government has criticized violence against women. Its Crisis Center for Women in Distress refers abused women to NGOs

for assistance. During the year, the NGO Struggle for Change, which operated a shelter for abused women, provided rehabilitation assistance (shelter, employment counseling, and legal aid) to 67 women. An additional 157 women received legal or financial assistance. Provincial governments operated shelters for women in distress at the district level. In some cases, managers of such shelters have abused women in their care. For example, in August, the manager of the shelter in Hyderabad was suspended after three women at the shelter were tortured when they refused to work for her as prostitutes. The case was pending at year's end.

Rape, other than by one's spouse, is a criminal offense. One cannot be prosecuted for marital rape or for rape in cases where a marriage between the perpetrator and victim has been contracted but not solemnized. Although rape was widespread, prosecutions were rare. It is estimated that less than one-third of rape cases were reported to the police. Police were at times implicated in the crime (see Section 1.c.).

Many rape victims were pressured to drop charges. Police and prosecutors often threatened to charge a victim with adultery or fornication if she could not prove the absence of consent, and there were cases in which rape victims were jailed on such charges. The standard of proof for rape set out in the Hudood Ordinances is based on whether the accused is to be subjected to Koranic or secular punishment. In cases of Koranic punishment, which can result in public flogging or stoning, the victim must produce four adult male Muslim witnesses to the rape or a confession from the accused. No Koranic punishment has ever been applied for rape. The standards of proof are lower for secular punishment, which can include up to 25 years in prison and 30 lashes. Such punishment was applied. Courts, police and prosecutors, at times, refused to bring rape cases when Koranic standards of evidence could not be met.

Police frequently discouraged women from bringing rape charges and often abused or threatened the victim, telling her to drop the case, especially when bribed by the accused. Police requested bribes from some victims prior to lodging rape charges, and investigations were often superficial. Medical personnel were generally untrained in collection of rape evidence and were at times physically or verbally abusive to victims, accusing them of adultery or fornication. Women accused of adultery or fornication were forced to submit to medical exams against their will even though the law requires their consent. Judges were reluctant to convict rapists, applied varying standards of proof, and, at times, threatened to convict the victim for adultery or fornication rather than the accused for rape. Families and tribes, at times, killed rape victims or encouraged them to commit suicide.

Husbands and male family members often brought spurious adultery and fornication charges against women under the Hudood Ordinances. Even when courts ultimately dismissed charges, the accused spent months, sometimes years, in jail and saw her reputation destroyed. The Government's National Commission on the Status of Women advocated for the repeal of the Hudood Ordinances. On October 26, the National Assembly adopted legislation that requires senior police officials to evaluate the merits of adultery and fornication allegations and requires a court order before a woman can be arrested on such charges.

Honor killings and mutilations occurred during the year (see Section 1.a.). Women were often the victims at the hands of their husbands or male relatives. Authorities reported 1,261 honor crimes in the 12 months after June 2003, with the majority in Sindh. The practice was also common in Punjab and among tribes in Baluchistan, NWFP, and FATA. On October 26, the National Assembly adopted legislation that provides for additional penalties for all crimes involving honor and that restricts the right of victims or heirs to pardon perpetrators in exchange for restitution.

The estimated 100,000 Bohra Muslims in country practiced female genital mutilation (FGM). While no statistics on the prevalence of FGM among the Bohras exist, the practice reportedly has declined.

Sexual harassment was a widespread problem. While the Pakistan Penal Code prohibits harassment, prosecution was rare.

The Constitution prohibits discrimination on the basis of sex; however, in practice, this provision was not enforced. Women faced discrimination in family law, property law, and in the judicial system (see Section 2.c.). The Hudood Ordinances create judicial discrimination against women. Women's testimony in cases involving proposed Koranic punishment was considered invalid or discounted significantly. In other cases involving property matters or questions of future obligations, a woman's testimony is equal to half that of a man.

Family law provides protections for women in cases of divorce, including requirements for maintenance, and lays out clear guidelines for custody of minor children and their maintenance. In practice, many women were unaware of these legal protections or unable to obtain legal counsel to enforce them. Divorced women were often left with no means of support and were ostracized by their families. While prohibited by law, the practice of buying and selling brides continued in rural areas. Women are legally free to marry without family consent, but women who did so were often ostracized or were the victims of honor crimes.

Inheritance law discriminates against women. Female children are entitled to only half the inheritance of male children. Wives inherit only one-eighth of their husband's estate. Women often received far less than their legal inheritance entitlement. In rural Sindh, landowning families continued the practice of "Koranic marriages" in an effort to avoid division of property. Property of women married to the Koran remains under the legal control of their father, or eldest brother, and such women are prohibited from contact with any male over 14.

Women faced significant discrimination in employment and were frequently paid less than men for similar work. In many rural areas of the country, strong societal pressure prevented women from working outside the home. Some tribes continued the traditional practice of sequestering women from all contact with males other than relatives.

The Government's Ministry for the Advancement of Women lacked sufficient staff and resources to function effectively. Continuing government inaction in filling vacant seats on the National Commission for the Status of Women hampered its efficacy.

Numerous women's rights groups such as the Progressive Women's Association, Struggle for Change, and Aurat Foundation, were active in urban areas. Primary issues of concern included domestic violence, the Hudood Ordinances, and honor crimes.

Children

The Government does not demonstrate a strong commitment to children's rights and welfare through its laws and programs. There is no federal law on compulsory education. Public education is free; however, fees were charged for books, supplies, and uniforms. Public schools, particularly beyond the primary grades, were not available in many rural areas, leading parents to use the parallel private Islamic school (madrassa) system. In urban areas, many parents sent children to private schools due to the lack of facilities and poor quality of education offered by the public system.

According to a foreign aid organization, out of 18 million children between ages 5 and 9, only 42 percent were in school. Less than half of children who enrolled completed more than 5 years of education. Out of every 100 children who enrolled, only 6 complete grade 12. The national literacy rate of 38 percent showed a significant gap between males (50 percent) and females (24 percent) due to historical discrimination against educating girls. While anecdotal evidence suggested increasing female participation in education, such discrimination continued, particularly in rural areas.

Madrassas served as an alternative to the public school system in many areas. Many madrassas failed to provide an adequate education, focusing solely on Islamic studies. Graduates were often unable to find employment. A few madrassas, particularly in the Afghan border area, reportedly continued to teach religious extremism and violence. The Government continued its efforts to modernize madrassa education during the year. An agreement was reached with the country's five independent madrassa boards to register the 85 percent of madrassas under their control and to introduce a modern educational curriculum. Government funding has been allocated in the budget to assist with teacher training.

At the vast majority of madrassas, students were reasonably well-treated. However, press reports claimed that there were some madrassas where children were confined illegally, kept in unhealthy conditions, and physically or sexually abused.

Child health care services remained seriously inadequate. According to the National Institute of Child Health Care, more than 70 percent of deaths between birth and the age of 5 years were caused by easily preventable ailments such as diarrhea and malnutrition. While boys and girls had equal access to government facilities, families were more likely to seek medical assistance for boys.

Child abuse was widespread. According to child rights NGOs, abuse was most common within families. In rural areas, poor parents sold children as bonded laborers (see Section 6.d.) and at times, sold daughters to be raped by landlords.

Trafficking and commercial sexual exploitation were problems (see Section 5, Trafficking).

Child labor was a significant problem (see Section 6.d.).

NGOs like Sahil and Rozan worked on child labor, child sexual abuse, and child trafficking. NGOs played an important role in providing counseling and medical services to victims and in raising awareness of these problems.

Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons was a serious problem. All forms of trafficking are prohibited under the Prevention and Control of Human Trafficking, Ordinance 2002, and maximum penalties range from 7 to 14 years' imprisonment plus fines. The Government arrested 67 and prosecuted 39 under the ordinance during the year. The Federal Investigation Agency (FIA) had primary responsibility for combating trafficking. The Government established a dedicated Anti-Trafficking Unit in the FIA during the year. An Inter-Ministerial Committee on Human Trafficking and Smuggling coordinated federal efforts. The Government assisted other countries with international investigations of trafficking.

Although no accurate statistics on trafficking existed, the country was a source, transit, and destination country for trafficked persons. Women and girls were trafficked from Bangladesh, Afghanistan, Iran, Burma, Nepal, and Central Asia for forced commercial sexual exploitation and bonded labor in the country based on erroneous promises of legitimate jobs. In a similar fashion, men and women were trafficked from the country to the Middle East to work as bonded laborers or in domestic servitude. Upon arrival, both groups had passports confiscated and were forced to work to pay off their transportation debt. Although the practice declined, families continued to sell young boys between ages 3 and 10 for use as camel jockeys in Middle

Eastern countries. Women and children from rural areas were trafficked to urban centers for commercial sexual exploitation and labor. In some cases, families sold these victims into servitude, while in other cases they were kidnapped. Women were trafficked from East Asian countries and Bangladesh to the Middle East via the country. Traffickers bribed police and immigration officials to facilitate passage. During the year, authorities prosecuted 17 governmental officers and arrested 3 FIA inspectors.

The Government rescued some kidnapped victims. In the 14 months following June 2003, the Overseas Pakistani Foundation and the Ansar Burney Welfare Trust repatriated 5,700 citizens trafficked to the Middle East. The Government sponsored shelters and training programs for actual and potential trafficking victims. There were 276 detention centers where women were sheltered and given access to medical treatment, limited legal representation, and some vocational training. The Government provided temporary residence status to foreign trafficking victims. The FIA and the International Organization for Migration held training and seminars on trafficking for government officials and NGOs during the year. The Interior Minister was personally engaged in such efforts. Very few NGOs dealt specifically with trafficking; however, many local and provincial NGOs provided shelter to victims of trafficking and those at risk for trafficking.

Police often treated trafficking victims as criminals, charging them with immigration law violations. Police remained reluctant to assist foreign trafficking victims in filing charges. Women victims who were forced into prostitution at times feared prosecution for adultery and fornication if they pursued cases. Foreign victims, particularly Bangladeshis, faced difficulties in obtaining repatriation to their home countries. Women trafficked abroad and sexually exploited faced societal discrimination on their repatriation.

A few NGOs held workshops on trafficking during the year, and the Government and NGOs worked to publicize the plight of camel jockeys and discourage the continuation of the practice.

Persons with Disabilities

The Government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. Families cared for the vast majority of persons with physical and mental disabilities. However, in some cases, these individuals were forced into begging; organized criminals took much of the proceeds. There is a legal provision requiring public and private organizations to reserve at least 2 percent of their jobs for qualified persons with disabilities. Organizations that do not wish to hire persons with disabilities instead can give a certain amount of money to the government treasury, which uses funds for persons with disabilities. This obligation was rarely enforced. The National Council for the Rehabilitation of the Disabled provided some job placement and loan facilities. Mentally ill prisoners normally lacked adequate care and were not segregated from the general prison population (see Section 1.c.).

Other Societal Abuses and Discrimination

Homosexual intercourse is a criminal offence; however, prosecution was rare. Homosexuals did not openly reveal their sexual orientation, and there were no allegations during the year of discrimination on the basis of sexual orientation.

Those suffering from HIV/AIDS faced broad societal discrimination. While the Government has launched education and prevention campaigns, these have done little to protect victims.

The Shi'a, Christian, Hindu, and Ahmadi communities all faced discrimination and societal violence (See Section 2.c.)

Section 6 Worker Rights

a. The Right of Association

The Industrial Relations Ordinance (IRO) provides industrial workers the right to form trade unions. The Essential Services Maintenance Act (ESMA), which applies to the security forces, most of the civil service, health care workers, and safety and security personnel at petroleum companies, airports, and seaports, was often invoked to limit or ban strikes or curtail collective bargaining rights. Agricultural workers, non-profit workers, and teachers, among others, are not afforded the right to unionize. According to government estimates, union members were approximately 10 percent of the industrial labor force and 3 percent of the total estimated work force; however, unions claimed that the number of union members was underestimated.

b. The Right to Organize and Bargain Collectively

In those sectors covered by the IRO, unions were allowed to conduct their activities without government interference. The IRO protects the right to collective bargaining subject to restrictions, but limits the right of unions to strike. The IRO allows only one union to serve as the collective bargaining agent within a given establishment, group of establishments, or industry. In cases where more than one union exists, the IRO establishes a secret balloting procedure to determine which union shall be registered as agent.

Legally required conciliation proceedings and cooling-off periods constrain the right to strike, as does the Government's authority to end any strike that may cause "serious hardship to the community," prejudice the national interest, or has continued for 30

days. The Government can and has prohibited all strikes by public utility services under the IRO. The law prohibits employers from seeking retribution against leaders of a legal strike and stipulates fines for offenders. The law does not protect leaders of illegal strikes. Several small strikes occurred during the year. For example, in October, Pakistan Telecommunications workers' unions held intermittent strikes of brief duration in cities around the country demanding increased wages and better regulation of the use of contract workers. The strikes ceased after the Government termed them illegal.

National labor laws require the Government to determine every 6 months whether collective bargaining is to be allowed. In cases where collective bargaining was prohibited, special wage boards decided wage levels. Such boards were established at the provincial level and were composed of representatives from industry, labor, and the provincial labor ministry. Unions generally were dissatisfied with the boards' findings. Disputes were adjudicated before the National Industrial Relations Commission.

The estimated 12,500 employees working in Pakistan's three Export Processing Zones (EPZs) are exempted by the ESMA from the protection and right to form trade unions provided by the IRO. The Export Processing Zone Authority drafts labor laws within the EPZs.

c. Prohibition of Forced or Compulsory Labor

The Constitution and law prohibit forced or bonded labor, including by children; however, the Government did not enforce these prohibitions effectively. The Bonded Labor System (Abolition) Act (BLAA) outlaws bonded labor, cancels all existing bonded debts, and forbids lawsuits for the recovery of such debts. The Act makes bonded labor by children punishable by up to 5 years in prison and up to \$833 (Rs. 50,000) in fines.

Conservative estimates put the number of bonded workers at several million. Such labor was common in the brick, glass, carpet, and fishing industries, and was found among agricultural and construction workers in rural areas. A large proportion of bonded laborers were low-caste Hindus, or Muslim and Christian descendants of low-caste Hindus. Bonded laborers were often unable to determine when their debts were fully paid. Those who escaped often faced retaliation from former employers. Some bonded laborers returned to their former status after being freed due to a lack of alternative livelihoods. Although the police arrested violators of the law against bonded labor, many such individuals bribed the police to release them. Human rights groups reported that landlords in rural Sindh maintained as many as 50 private jails housing some 4,500 bonded laborers. Ties between such landlords and influential politicians hampered effective elimination of bonded labor.

The Constitution and the law prohibit slavery; however, human rights groups claimed that in remote areas of rural Sindh, bonded agricultural labor and debt slavery continued.

d. Prohibition of Child Labor and Minimum Age for Employment

The Government has adopted laws and promulgated policies to protect children from exploitation in the workplace; however, enforcement of child labor laws was lax and child labor was a serious problem. The Ministry of Labor has identified 35 hazardous forms of child labor, including street vending, surgical instrument manufacturing, deep-sea fishing, leather manufacturing, brick making, and carpet weaving, among others. Child labor in agriculture and domestic work was also common.

Forced and bonded labor, sexual exploitation, and the trafficking of children occurred (see Section 5).

The Employment of Children Act prohibits the employment of children under age 14 years in factories, mines, and other hazardous occupations and regulates their conditions of work, e.g. no child is allowed to work overtime or at night; however, there were few child labor inspectors in most districts, and the inspectors often had little training, insufficient resources, and were susceptible to corruption. By law, inspectors may not inspect facilities that employ less than 10 persons, where most child labor occurs. Hundreds of convictions were obtained for violations of child labor laws, but low fines levied by the courts--ranging from an average of \$6 (Rs. 364) in the NWFP to an average of \$121 (Rs. 7,280) in Baluchistan--were not a significant deterrent. The Employment of Children Act allows for fines of up to \$333 (Rs. 20,000). Penalties often were not imposed on those found to be violating child labor laws.

The International Labor Organization--International Program for the Elimination of Child Labor (ILO-IPEC) continued programs in the carpet weaving, surgical instrument, rag picking, and deep sea fishing industries and launched a Time Bound Program for the Elimination of the Worst Forms of Child Labor. Working with industries and the Government, ILO-IPEC used a combination of monitoring, educational access, rehabilitation, and family member employment to transition children out of these industries. An ILO-IPEC program to eliminate child labor in the soccer ball manufacturing industry was completed and deemed a success.

e. Acceptable Conditions of Work

The national minimum wage for unskilled workers was \$42 (Rs. 2,500) per month. It applies only to industrial and commercial establishments employing 50 or more workers. The national minimum wage did not provide a decent standard of living for a worker and family. Additional benefits required by the Federal Labor Code include official government holidays, overtime pay, annual and sick leave, health care, education for workers' children, social security, old age benefits, and a worker's welfare fund.

Federal law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. These regulations did not apply to agricultural workers, workers in factories with fewer than 10 employees, domestic workers, and contractors.

Health and safety standards were poor. There was a serious lack of adherence to mine safety and health protocols. For example, mines often only had one opening for entry, egress, and ventilation. Workers could not remove themselves from dangerous working conditions without risking loss of employment.

Provincial governments have primary responsibility for enforcing all labor regulations. Enforcement was ineffective due to limited resources, corruption, and inadequate regulatory structures. Many workers were unaware of their rights.